

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 973 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge?  
No.

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STATE OF GUJARAT

Versus

MANSUKHBHAI KANJIBHAI SOLANKI

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Appearance:

MR. SP DAVE, A.P.P. for Petitioner.

MR. UM SHASTRI, for the respondent.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 03/03/98

ORAL JUDGEMENT

Respondent herein stood prosecuted for the offence punishable u/s 5, 18, 19 and 25 (3) r/w/s 34 of the Bombay Money Lenders Act ( the Act for short) in the Court of the Metropolitan Magistrate, Court No. 4, Ahmedabad in Criminal Case No.3470 of 1990. By the

impugned judgment and order of the learned Metropolitan Magistrate, Court No. 4, Ahmedabad rendered on 26th May, 1997 the respondent was acquitted of the offences charged against him.

2. The prosecution case is based upon the allegations of facts concerning the breach of relevant provisions of the Act made by the applicant Gangaben Purshottamdas Solanki. Thus, Gangaben Solanki was very important witness in the proceeding before the learned Metropolitan Magistrate. She was, however, not examined by the prosecution. That is the main reason why the learned Metropolitan Magistrate rendered acquittal against the respondent - accused.

3. I have heard the learned A.P.P.. for the State-appellant and learned advocate appearing for the respondent.

4. The aforesaid facts with regard to the main witness Gangaben having not been examined are not controverted. Hence, in the circumstances of the case, no indulgence is required to be shown. Leave is accordingly refused. The appeal is rejected.

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